IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3355 OF 2006

Ramesh Manilal Shah and others ...Applicants

vs.

Hiraman Shankar Shirsat and others ...Respondents

Mr.Ramesh Dube-Patil i/b Mr.Ajay Misar & Co. for the Applicants
Mr.U.V.Nikam, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : NOVEMBER 16,2006.

P.C.:

1. Heard learned Counsel for the Applicants. This Application is filed under section 482 of the Code of Criminal Procedure, 1973 for quashing the three private complaints filed by the first Respondent in three different courts.

2. The learned Counsel for the Applicant submitted that three different complaints have been filed on the basis of the same set of facts in three different Courts only with the object of harassing the Applicants and therefore, clear case is made out for quashing the complaints.

3. I have considered the submissions. In the first complaint an order has been passed issuing process. The said order can be assailed of by filing a Revision Application before the appropriate court. In the second complaint, as of today, only

an order under section 202 of the said Code has been passed. In the third complaint, an order is passed under section 156 (3) of the said Code which is revisable order as held by this court. The power under section 482 of the said Code has to be exercised only in exceptional cases. In case of two complaints a remedy is available under the said Code to the Applicants for challenging the orders passed by the learned Magistrate. In the third case, as of today, only an order is passed under section 202 of the said Code.

4. In view of these facts, this Application is not entertained and the same is rejected.

5. Notwithstanding the rejection of this Application, it will be open for the Applicants to prefer Revision Applications before the appropriate Sessions Courts in accordance with law. If Revision Applications are filed by the Applicants, the concerned Sessions Court will take a note of the fact that this Criminal Application was filed in this Court on 1st September 2006 and same remained pending till today.

JUDGE